

# LYNCHBURG CITY COUNCIL

## Agenda Item Summary

MEETING DATE: **January 14, 2003**

AGENDA ITEM NO.: **11**

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP) – 711 Old Trents Ferry Road**

RECOMMENDATION: Approval of the requested CUP.

SUMMARY: John Paul & Alice Jones are petitioning for a Conditional Use Permit at 711 Old Trents Ferry Road to allow the use of an existing structure as a guesthouse in an R-1, Single-Family Residential District. The Planning Division (PD) recommended approval of the CUP because:

- ? Petition agrees with the Comprehensive Plan, in that accessory dwellings are permitted in single-family residential districts.
- ? Petition agrees with Zoning Ordinance in that a guesthouse is a permitted use in a residential district upon approval of a CUP by the City Council.
- ? The use of the existing structure as a guesthouse should not be detrimental to the surrounding neighborhood.

Section 35.1-15(f) of the Zoning Ordinance states: "In approving a conditional use permit City Council may impose any conditions which it deems necessary or appropriate."

PRIOR ACTION(S):

December 11, 2002: Planning Division recommended approval of the CUP.  
Planning Commission recommended approval (5-0 with 2 members absent) of the CUP with the following conditions:

1. The guesthouse will not be used for rental purposes at anytime.
2. The guesthouse will meet all requirements of the building code as determined by the Inspections Division.

FISCAL IMPACT: N/A

CONTACT(S):

Rachel Flynn / 847-1508, ext. 253  
Tom Martin / 847-1508, ext. 226

ATTACHMENT(S):

- ? Resolution
- ? PC Report
- ? PC minutes
- ? Site plan

REVIEWED BY: lkp

## RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO JOHN PAUL AND ALICE JONES FOR USE OF THE PROPERTY AT 711 OLD TRENTS FERRY ROAD AS A GUEST HOUSE, SUBJECT TO CERTAIN CONDITIONS.

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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of John Paul and Alice Jones for a Conditional Use Permit for use of the property at 711 Old Trents Ferry Road as a guest house be, and the same is hereby, approved, subject to the following conditions:

1. The guesthouse will not be used for rental purposes at anytime.
2. The guesthouse will meet all requirements of the building code as determined by the Inspections Division.

Adopted:

Certified:

\_\_\_\_\_  
Clerk of Council

005L

# The Department of Community Planning & Development

City Hall, Lynchburg, VA 24504 434-847-1508

**To:** Planning Commission  
**From:** Planning Division  
**Date:** December 11, 2002  
**Re:** **CONDITIONAL USE PERMIT (CUP): 711 Old Trents Ferry Road**

## I. PETITIONER

John Paul and Alice Jones, 711 Old Trents Ferry Road, Lynchburg, VA 24503  
**Representative:** Mr. Steve Morris, Morris Construction, 612 12<sup>th</sup> Street, Lynchburg, VA 24504

## II. LOCATION

The subject property is a tract of about 4.6 acres located at 711 Old Trents Ferry Road.  
**Property Owners:** John Paul and Alice B. Jones, 711 Old Trents Ferry Road, Lynchburg, VA 24503.

## III. PURPOSE

The purpose of this petition is to allow the use of an existing structure as a guesthouse in an R-1, Single Family Residential District.

## IV. SUMMARY

- ✍ Petition agrees with the *Comprehensive Plan*, in that accessory dwellings are permitted in single-family residential districts.
- ✍ Petition agrees with the Zoning Ordinance in that a guesthouse is a permitted use in an R-1, Single-Family Residential District upon approval of a Conditional Use Permit by the City Council.
- ✍ Petition proposes the use of an existing structure as a guesthouse, which will not be detrimental to the surrounding neighborhood.

## The Planning Division recommends approval of the CUP petition.

## V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Low-Density Residential use for the subject property. Neighborhoods and Housing, Objective 3.B., Housing Types encourages a range of housing types in appropriate locations. Construction of accessory dwellings are to be permitted in single family districts consistent with “standards addressing such issues as maximum unit size, adequacy of on-site or on-street parking, entry locations, tenancy, and other necessary factors”. The proposed use will meet all development standards of an R-1, Single-Family Residential District.
2. **Zoning.** The subject property was annexed into the City in 1958. The existing R-1, Single-Family Residential District zoning was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the proposed guesthouse.
4. **Surrounding Area.** There have been no items requiring City Council approval in the immediate area.
5. **Site Description.** The subject property is bounded to the north, east and west by single-family residential uses on large lots. The subject property is bounded to the south by vacant land currently owned by the petitioner.
6. **Proposed Use of Property.** The purpose of the CUP is to allow the use of an existing structure as a guesthouse in an R-1, Single-Family Residential District.
7. **Traffic and Parking.** The City’s Traffic Engineer had no comments of concern regarding the petition.
8. **Storm Water Management.** A storm water management plan will not be required for the use of the existing structure as a guesthouse, because disturbed areas will not exceed 1,000 square feet.
9. **Impact.** The current submittal proposes the use of an existing one (1) story frame structure as a guesthouse. The guesthouse is proposed to be used by overnight guests of the family and will not be rented. The guesthouse will be served with water from the existing dwelling, but will require the

construction of a new drain field for septic purposes. Adequate parking will be available on site. The proposed use should have minimal if any impact on the surrounding area.

10. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on November 19. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
  11. **Conditions.** According to Section 35.1-15 (f) of the Zoning Ordinance, the Planning Commission or City Council may impose any conditions deemed necessary of appropriate in approving a CUP.
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#### VI. PLANNING DIVISION RECOMMENDATION

**Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of the petition of John Paul and Alice Jones for a conditional use permit at 711 Old Trents Ferry Road for the use of an existing structure as a guest house in an R-1, Single-Family Residential District subject to the following conditions.**

1. **The guesthouse will not be used for rental purposes at anytime.**
2. **The guesthouse will meet all requirements of the building code as determined by the Inspections Division.**

This matter is respectfully offered for your consideration.

William T. Martin  
City Planner

pc: Mr. L. Kimball Payne, III, City Manager  
Mr. Walter C. Erwin, City Attorney  
Ms. Rachel O. Flynn, Director of Community Planning & Development  
Mr. Bruce A. McNabb, Director of Public Works  
Mr. John W. Jennings, Fire Marshal  
Ms. Judith C. Wiegand, Strategic Planner  
Mr. J. Lee Newland, Director of Engineering  
Mr. Gerry L. Harter, Traffic Engineer  
Mr. Karl Cooler, Building Commissioner  
Mr. Arthur L. Tolley, Zoning Official  
Mr. Robert S. Fowler, Zoning Official  
Mr. Steve Morris, Petitioner/Representative

#### VII. ATTACHMENTS

1. Vicinity Zoning Pattern  
see attached map
2. Vicinity Proposed Land Use  
see attached map
3. Site Plan  
see attached site plans

Minutes from the Planning Commission meeting  
December 11, 2002

Petition of John Paul and Alice Jones for a Conditional Use Permit at 711 Old Trents Ferry Road for the use of an existing structure as a guest home in an R-1, Single-Family Residential District.

Mr. Martin said this petition was for the use of an existing structure that had been moved to the property to be used as a guesthouse. He said the Zoning Ordinance required that a CUP be obtained from the Planning Commission and City Council to use an accessory building as guest quarters. He said the Planning Division had no concerns with this proposed use. Mr. Martin added that they did, however, require that the guest house meet all requirements of the Building Code as determined by the Inspections Division and that the guest house could not be used for rental purposes as any time.

Mr. Steve Morris, 612 Twelfth Street, Lynchburg, General Contractor, represented the petitioner. Mr. Morris said that Mr. Martin described the project exactly as it was planned. He said the petitioners were awaiting the arrival of their third child and wanted to have separate living quarters for the both sets of parents, who live out of town.

Dr. John Paul Jones, petitioner, added that in addition to having living quarters for their parents, his wife was a weaver and hoped to use a room in the cottage as her studio.

Chair Dahlgren said he had spoken to some of the neighbors surrounding the subject property and they were anxious to see something happening on the site.

After further discussion, Commissioner Pulliam made the following motion, which was seconded by Commissioner Worthington and passed by the following vote:

"That the Planning Commission recommends to the City Council approval of the petition of John Paul and Alice Jones for a Conditional Use Permit at 711 Old Trents Ferry Road for the use of an existing structure as a guest house in an R-1, Single-Family Residential District subject to the following conditions.

1. The guesthouse will not be used for rental purposes at anytime.
2. The guesthouse will meet all requirements of the building code as determined by the Inspections Division."

AYES:	Dahlgren, Flint, Moore, Pulliam, Worthington	5
NOES:		0
ABSTENTIONS:		0

# J.P. JONES PROPERTY

711 Old Transa Ferry Road  
Vol. Map # 186-02-011  
Conditional Use Permit Request  
Petitioner: John-Paul & Alice Jones

MAP PREPARED BY  
THE DEPARTMENT OF COMMUNITY PLANNING & DEVELOPMENT



Subject Property



200 ft Radius

